

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED
NOV 08 2023
Matthew Phelps
CLERK

<p>HENRY CHASE ALONE,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Defendant.</p>	<p>5:22-CV-05020-CBK</p> <p>ORDER</p>
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Petitioner was convicted of two counts of sexual exploitation of a minor and one count of aggravated incest. He was sentenced to a total sentence of 900 months imprisonment. The United States Court of Appeals for the Eighth Circuit affirmed his convictions and sentences. United States v. Chase Alone, 822 Fed. Appx. 513 (8th Cir. 2020). He filed a motion to vacate, set aside, or correct his convictions and sentences pursuant to 28 U.S.C. § 2255. The motion was initially denied by this Court. The Eighth Circuit issued a certificate of appealability as to his claim that counsel rendered ineffective assistance in plea negotiations and remanded that claim to this Court. Chase Alone v. United States, 2022 WL 3022295 (8th Cir. 2022). I denied the motion to vacate, finding no merit to petitioner's claim that counsel failed to apprise him of an offer from the government for a "15-year plea deal." I denied a certificate of appealability. Chase Alone v. United States, 2023 WL 3044753 (D.S.D. 2023). Petitioner filed a notice of appeal and a request for a certificate of appealability from the Eighth Circuit.

While this matter was on appeal, petitioner filed in the district court a motion to compel, requesting copies of the trial exhibits from the underlying criminal case, which had been transmitted to the Eighth Circuit Court of Appeals. He also filed a copy of that motion in the Eighth Circuit. The Eighth Circuit denied his application for a certificate of

appealability and denied as moot the motions he filed in the appellate matter. The mandate has now issued.

This § 2255 case is closed. There is no basis for the petitioner's request for copies of exhibits received into evidence during the underlying criminal case.

Now, therefore,

IT IS ORDERED that petitioner's motion, Doc. 39, to compel is denied.

DATED this 8th day of November, 2023.

BY THE COURT:

A handwritten signature in blue ink, reading "Charles B. Kornmann", written over a horizontal line.

CHARLES B. KORNMANN

United States District Judge